

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : PETERSON et al.  
SERIAL NO : 09/696,600  
FILED : OCTOBER 25, 2000  
TITLE : METHODS AND MATERIALS TO INDUCE RECOMBINATION

Grp/A.U. : 1638  
Examiner : MRHTA, A.  
Conf. No. : 6794  
Docket No. : P04716US2

## DECLARATION UNDER 37 CFR §1.131

Assistant Commissioner for Patents  
Washington, D.C. 20231

I, Yongli Xiao, declare and say:

That I am the inventor for the above-identified application; I conceived in the United States the invention claimed in the above-identified patent application prior to July, 1997 the publishing date of the cited reference to Shalev et al., "The Maize Transposable Element Ac Induces Recombination Between the Donor Site and an Homologous Ectopic Sequence",

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 2/6/04

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office (703) 372-9306.

  
HEIDI S. NEESE

*Genetics* 146: 1143-1151. Attached Exhibit A is a copy of notebook records related to this conception wherein the construct used to measure recombination GU-US is disclosed on page 65 of notebook one that is dated January 28, 1996.

That pursuant to this conception, I actually reduced a practice in the United States, the invention in the above-identified patent application prior to July, 1997, the publishing date of the Shalev et al. reference. Attached Exhibit B is a copy of notebook records relating to this reduction to practice wherein the map depicted in notebook two, page 36, dated June 9, 1997, is the construct in the above-identified patent application.

That Exhibits A and B, which relate to the aforementioned conception and actual reduction to practice, correspond to the invention broadly disclosed and claimed in the above-identified patent application.

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

04/15/03  
Date

  
Yongli Xiong, Ph.D.

01/28/96

Blunt end set some colonies

But control set some also, they looks same.

Isolate Galleria.

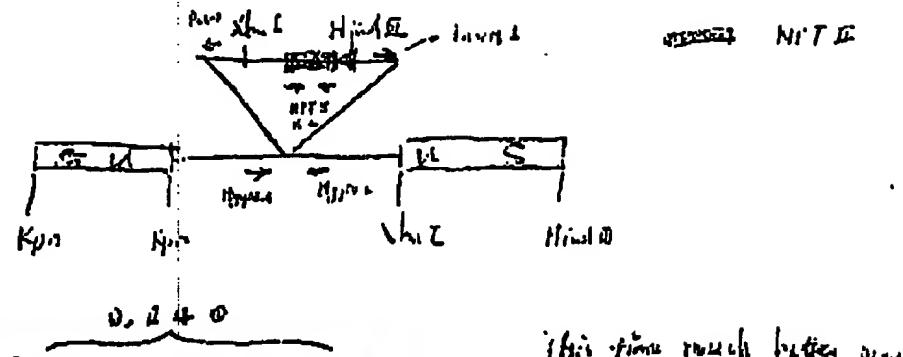
- ① 50 ml culture into 50 ml centrifuge tube
- ② 5000 rpm 5 min
- ③ make pellets separated.
- ④ add the culture left into same tube and some dH<sub>2</sub>O
- ⑤ 5000 rpm 5 min
- ⑥ make pellets separated
- ⑦ 1.8 ml Solvent
- ⑧ Lysozyme (cysteine powder)
- ⑨ 4 ml Solvent 7 gently inverting RT 5 min
- ⑩ 2 ml ice-cold Solvent 7 4°C 1 min
- ⑪ centrifuge 5000 rpm 5 min 4°C
- ⑫ filter supernatant.
- ⑬ 2 x 100% ethanol -70°C 30 min or more
- ⑭ 5000 rpm 10 min
- ⑮ 70% ethanol wash
- ⑯

EXHIBIT

A

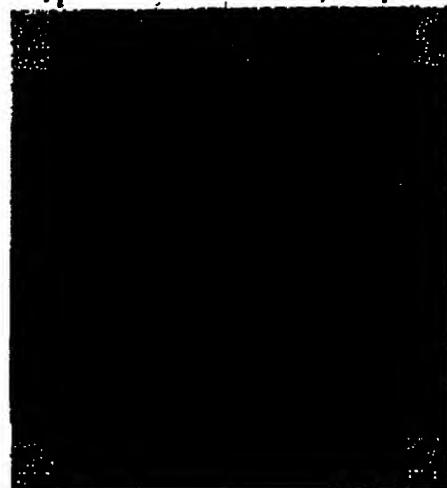
Sobier

Summary of the PCR probe:



This figure much better now

11



Purify another 41 samples

DNA	10 $\mu$ l
Xba I	1 $\mu$ l $\times$ 36 = 36
buffer(1)	2 $\mu$ l $\times$ 36 = 72
RNase	1 $\mu$ l $\times$ 36 = 36
dH <sub>2</sub> O	5.8 $\mu$ l $\times$ 36 = 208.8
R.N.T.	<u>0.2 <math>\mu</math>l</u> $\times$ 36 = 7.2
	<u>2.0 <math>\mu</math>l</u>

EXHIBIT

B